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TO

Examiner Thane Underdahl

FROM

J. David Smith

DATE

February 24, 2009

FAX NO.

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TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 5

MESSAGE:

Re:

Serial No.:

10/738,378

Our reference:

2798-1-001

Attached is our client's communication correcting the purely typographical errors in the proposed Examiner's Amendment.

J. David Smith

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Attn. Mr. J. David Smith

FAX: 00 1 201 343 1684

Y/N Ref 2798-1-001

O/N Ref. PE-01039

Madrid, 24 February 2009

Re: U.S. Patent Application Nº 10/738.378

Dear Mr. Smith,

We have reviewed the amendment entered by the examiner and we approve it.

However, we have checked the wording of the whole claim 1 and we have detected several clerical mistakes so far:

> In the first paragraph the term "2-O-β-D-galactopyranosyl-D-xylose" is duplicated. Instead, the last term must be replaced by "3-O-B-Dgalactopyranosyl-D-xylose (the other enantlomer)

> In (III) the "Separation of β-D-galactosidase from the...." must be a third option for stopping the reaction of the previous step (II) under subchapter c) in addition to options a) and b).

> The term "galactopyranosyl" is wrongly spelled all along claim 1 (and probably all along the remaining claims, please double check it) as " glactopyranosyl-"

We enclose herewith a copy of the last proposal for claim 1, duly corrected in hand-Written.

2003/005

FEB 2 4 2009



Therefore, please proceed to accept the amendment introduced by the examiner but correcting the mistakes discovered.

Your acknowledgement of present instructions would be highly appreciated.

Best regards,

GONZÁLEZ-BUÉNO & ILLESCAS

Manuel Illescas

Enclosures:

-Examiner's amendment for claim 1 corrected in hand written.

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Art Unit: 1651

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Here is what i propose for the Examinar's amendment

Replace Claim 1 with:

- A method for producing 4-Q-β-D-glactopyranosyl-D-xylose enzymatically in a ratio of at
- | igast 66:32 by weight of 4-O-月-D-glectopyrenosyl-D-xylose to the combined sum of 2-
- O-β-D-glectopyranosyl-D-xylose and 2-O-β-D-glactopyranosyl-D-xylose comprising the following steps:
 - (i) preparing a first reaction mixture of 2-20% by weight of D-xylose 0.5 to 5% by weight of a β-D-galactopyranoside substrate 75-97.5% by weight of a reaction medium that comprises buffered water at a pH between 5.0 and 9.0; adding 10 to 1,000 units of a β-D-galactosidase enzyme, per gram of β-D-galactopyranoside, to the first reaction mixture; and obtaining a second reaction mixture:
 - (II) subjecting the second reaction mixture to a reaction at a temperature comprised between a temperature higher than the freezing point of the second reaction mixture and 45 °C., for 2 to 48 hours, in order to form disapphandes in the second reaction mixture;
 - (iii) stopping the reaction when the disaccharides have been formed in the desired amount, by means of a treatment selected from the group consisting of:

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- a) deactivation of 6-D-galactosidase by freazing the second reaction mixture at a temperature between -20 °C, and -170 °C and
- b) descrivetion of β -D-galactosidese by heating the second reaction mixture at a

and separation of β-D-galactosidase from the second reaction mixture by ultrafiltration; obtaining a third reaction mixture;

- (iv) separating an agryconic fragment of the p-D-galactopyranoside substrate used in the first step from the third reaction mixture by extraction or filtration; obtaining a fourth reaction mixture;
- (v) isolating fractions that contain 4-O-β-D-glactopyranosyl-D-xylose by a method selected from the group consisting of addition of calife to the fourth reaction mixture, followed by solid liquid extraction with a solvent and elution with a first eluent in a column wherein the first eluent is a mixture of water/isopropanol that contains 1 to 10% (v/v) of isopropanol; and directly adding active carbon to the fourth reaction mixture followed by filtration and elution with a second eluent;
- \(\lambda \) orystallizing the fractions that contain 4-O-β-D-pjactopyranosyl-D-xylose in a crystallization mixture selected from the group consisting of mixtures of acetone/mathenol in a ratio between 5/1 to 20/1 and mixtures of acetone/water in a ratio between 5/1 to 20/1.